REMARKS

Prior to entry of this paper, Claims 1-41 were pending. In this paper, Claims 29-33 are amended. Claims 42-43 are added. No claims are canceled. No new matter is added by way of these amendments. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

Claim Rejections Under 35 U.S.C. §101

The Office Action rejected claims 29-33 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants' currently disagree that a carrier wave signal that includes instructions for communicating a message on a network is directed to non-statutory subject matter. The carrier wave signal is a mechanism to transport the instructions that may enable a computer to perform the claimed actions. Thus, claims 29-33 are statutory article of manufacture claims.

However, in response to the rejection, the Applicants have amended the preamble of the claims to be "computer-readable medium" claims, consistent with *Beauregard* claim format. Thus, the rejections under 35 U.S.C. §101 are now moot and should be withdrawn.

Claim Rejections Under 35 U U.S.C. §102

The Office Action rejected Claims 1-2, 6-7, 9, 16-18, 20, 22-26, 28-30, 31-32, and 40-41 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0139193 to Buckley ("Buckley"). Applicants respectfully traverse these rejections.

Buckley does not disclose "formatting the first message to be readable by a mobile browser, and sending the formatted first message towards the mobile browser," as recited in Claim 1. As is clear from the claim language and disclosed in the Specification, the formatting of the first message occurs before sending the formatted first message towards the mobile browser. Specification, p. 16, lines 1-10. In contrast to Claim 1, Buckley discloses that an application on the

mobile device "processes the data file (step 228)" for displaying <u>after</u> receiving the data file. Buckley, para. 0033. Buckley does not disclose or suggest processing for displaying being performed <u>before</u> the data file is sent and/or received. Therefore, for at least this reason, Buckley does not anticipate nor render obvious Claim 1. Claim 1 is thus in condition for allowance.

Independent Claims 16, 23, 29, 34, and 40 recite similar, albeit different, limitations to Claim 1. For example, Claim 16 recites "the second message is formatted to be readable from a mobile browser." At least for the reasons recited above for Claim 1, independent Claims 16, 23, 29, 34, and 40 should also be in condition for allowance.

Moreover, with respect to independent Claim 23, Buckley does not disclose <u>a server</u> "formatting the first message to be readable from a mobile browser." Instead, Buckley discloses that the <u>client</u> mobile device processes the data message for displaying: "the invoked application (of the destination wireless device) then receives the data message and processes the data file (step 228)" for displaying. Buckley, para. 0033. At least for this reason, Buckley does not anticipate nor render obvious Claim 23, and thus Claim 23 is in condition for allowance.

With respect to dependent Claim 2, Buckley does not teach "formatting the message using at least one of a Handheld Device Markup Language (HDML), Wireless Markup Language (WML)Script, and JavaScript." The Office Action argues that "if a wireless phone is originating the data message, then it is inherent that WMLScript <u>would have to be used</u> to format the data message." Office Action, p. 6, (emphasis added). Applicants respectfully disagree. Wireless phones may originate data messages in a variety of formats. Nothing in Buckley suggests or makes inherent that the wireless phone would have to originate the data message in WMLScript. Instead, Buckley describes that the data message may be "an encoded digital picture, such as a Joint Photographic Experts Group 'JPEG' format data." At least for this reason, Buckley does not disclose "formatting the message using ... (WML)Script", and does not anticipate nor render obvious Claim 2. Therefore, Claim 2 should be in condition for allowance.

Moreover, Claim 40 recites an apparatus for communicating with a mobile device that, among other things, includes a "means for formatting the first message to be readable by a mobile browser." Thus, claim 40 employs means for language. A review of Buckley in that context indicates that Buckley does not disclose or suggest an apparatus that includes the structure, material, or acts described in the specification or equivalent thereof for at least formatting the first message by an apparatus prior to forwarding the first message towards the mobile browser. Thus, for at least this reason, claim 40 is neither anticipated nor rendered obvious by Buckley. Therefore, Claim 40 is also in condition for allowance.

In addition, dependent Claims 2-15, 17-22, 24-28, 30-33, 35-39, and 41 depend from independent Claims 1, 16, 23, 29, 34, and 40 respectively. Therefore, for substantially the same reasons as for their corresponding independent claims, these claims are also in condition for allowance. Thus, Applicants respectfully submit that Claims 1-41 are in condition for allowance and should be allowed to issue.

Rejection of Claims Under 35 U.S.C. § 103

The Office Action rejected claims 3, 4, 8, 10, 19, 21, 27 and 33 under 35 U.S.C. §103(a) as being unpatentable over Buckley in view of U.S. patent No. 6,122,485 issued to Archer (hereafter "Archer"). Applicants respectfully traverse these rejections.

Archer does not teach "associating a message index with the first message," and "associating the message index with the second message," as recited by Claim 3. In contrast, Archer discloses associating an index with a confirmation of receipt of messages, but not with the messages themselves. Archer Abstract. Archer teaches that "[t]he system uses ... a sequential index to store and locate data relating to the page confirmation request in a data structure." The data structure contains a confirmation flag of 1 or 0 to indicate a confirmed receipt. Archer, col. 7, lines 1-10. Archer's association with a confirmation flag of 1 or 0 provides far different functionality than an association of the message index with the first and second messages themselves. For example, Archer's association does not enable locating the messages from the associated index,

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because there is no relationship to the messages themselves. Archer's association only provides accessing a confirmation of a receipt. Thus, for at least this reason, Buckley in view of Archer does not make obvious Claim 3.

Moreover, Claim 4 depends from Claim 3 and should be in condition for allowance for substantially similar reasons as for Claim 3. Additionally, Claims 8, 10, 19, 21, 27 and 33 recite similar, albeit different, limitations to Claim 3. For example, Claim 8 recites "the message hook further comprises a message index associated with the message, and a URL." Therefore, for at least the above reasons, Claims 8, 10, 19, 21, 27 and 33 should also be in condition for allowance.

The Office Action rejected claims 5, 11, 14, 30, and 34-36 under 35 U.S.C. §103(a) as being unpatentable over Buckley in view of U.S. patent No. 6,898,422 issued to Bern et al. (hereafter "Bern"). Applicants respectfully traverse these rejections.

Claim 34 recites similar, albeit different, limitations to Claim 1. As discussed in regards to Claim 1, Buckley does not teach the elements of the claim. Therefore, Buckley in view of Bern does not make obvious Claim 34. Thus, Claim 34 should be in condition for allowance.

Claims 5, 11, 14; 30; and 35-36 depend from independent Claims 1, 29, and 34 respectively. Therefore, for substantially the same reasons as for their corresponding independent claims, these claims are also in condition for allowance.

Furthermore, Bern does not teach "wherein the first message is stored in a mail farm" as recited in Claim 5. At most, Bern discloses storing an email message in a "mail server site 150," but Bern does not disclose or suggest using a mail farm (e.g. a plurality of email servers) to store messages. Bern, col. 6, lines 9-10. For at least this reason, Buckley in view of Bern does not make obvious Claim 5.

The Office Action rejected Claims 12-13 under 35 U.S.C. §103(a) as being unpatentable over Buckley in view of WO 03/030474 A2 to Corrigan et al (hereinafter "Corrigan"). Applicants respectfully traverse these rejections. Claims 12-13 depend from Claim 1 which has been argued as

allowable. Therefore, Claims 12-13 should also be allowable for substantially similar reasons as for Claim 1.

New Claims

New Claims 42-43 clarifies the subject matter of the invention and is supported in the Specification. Furthermore, the cited references do not anticipate or make obvious new Claims 42-43. For example, Buckley does not anticipate "determining one of a plurality of servers to store the first message based at least in part on an end-user account identifier, a universal message identifier, or a device identifier," as recited in Claim 42. At most, Buckley disclose that "[t]he NMC or hub 10 stores the data at a database server 132, 134," but does not disclose determining on which server to store the message "based at least in part on an end-user account identifier, a universal message identifier, or a device identifier." Buckley, para. 0029. Therefore, for at least this reason, new Claim 42 should be allowable.
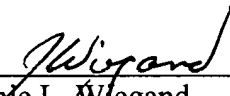
With respect to new Claim 43, Buckley does not teach "the message hook further comprises at least a program enabled to be executed by the mobile device to request access to the first message." Nothing in Buckley suggests or discloses this limitation. Therefore, Buckley does not anticipate nor render obvious Claim 43, and thus Claim 43 should be in condition for allowance.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believe that it has placed each of the pending claims in condition for immediate allowance. Early favorable action in the form of a Notice of Allowance is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

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Respectfully submitted,

By _____

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